

Public Hearing: February 25, 2002

## **F A C T   S H E E T**

**TITLE:** Resolution to order Sewer District No. 1176 constructed.

**SPONSOR:** Pubic Works/Utilities

**OPPONENTS:** Unknown

**OTHER DEPARTMENTS AFFECTED:**

**STAFF RECOMMENDATION:** For

**APPLICANT:** Public Works/Utilities

**REASON FOR LEGISLATION:** To provide the authority to order Sewer District No. 1176 constructed.

## **D I S C U S S I O N**

Sewer District No. 1176 being in SW 40<sup>th</sup> and West 'O' was created by the City Council on December 17, 2001, by Ordinance No. 17951.

Ordinance No. 17951 amended the limits of assessment proposed by Public Works in the proposed ordinance creating this district. The reduced limits of assessment reduced the assumed front footage used to calculate the estimated assessment rate. The estimated front rate of assessment based upon the approved ordinance is \$21.00 PFF. The estimated rate shown on the original fact sheet for this district was \$20.00 PFF.

This resolution orders said sewer district constructed.

**POLICY OR PROGRAM CHANGE:** No

**COST OF TOTAL PROJECT:**

**SOURCE OF FUNDS:**

**CITY:**

**NON CITY:**

**BENEFIT COST:**

**FACT SHEET PREPARED BY:**

Elmer Cole, Engineering Services

**REVIEWED BY:**

Director of Public Works/Utilities

# M e m o r a n d u m

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**To:** City Council

**From:** *MB* Dennis Bartels, Engineering Services

**Subject:** Sewer District 1176, Southwest 40th and West 'O' Street

**Date:** January 28, 2002

**cc:** Ann Harrell  
Allan Abbott  
Roger Figard  
Nicole Fleck-Tooze  
Dana Roper

Sewer District #1176 was created by the City Council by Ordinance 17951 on December 17, 2001. Several questions and concerns were raised about this district at the public hearing and discussion at the time the district was created. This memo is intended to provide answers and clarification of questions and concerns that Public Works perceives still remain about this district before the City Council considers the resolution ordering this district constructed.

1. Ordinance No. 17951 amended the limits of assessment originally proposed by Public Works and upon which estimated rates of assessment were calculated. The amended ordinance eliminated property owned by Mr. Milt Rogge which reduced the assumed front footage used to calculate the estimated rate of \$20 shown on the ordinance fact sheet. The new rate based upon the estimated frontage is \$21 per front foot.
2. Preliminary engineering review assumed that Lot 76 I.T. on the north side of West 'O' Street across the street from the Rogge property can be served. If the final engineering, based upon field surveys shows that Lot 76 cannot be served, the length of sewer built will be reduced. If sewer is not built in front of Lot 76, Lot 76 will not be assessed. Since both the assessable frontage and the length of sewer constructed and thus the cost will be reduced, the estimated rate to the benefitted property will remain the same.
3. Mark Hunzeker questioned the proposed assessment to Lot 74 I.T. which is proposed for assessment both along the Southwest 40th and West 'O' Street frontages. There is also a 30" trunk sewer built by the Lincoln Wastewater System that passes through this property. This lot is almost 40 acres in size and is undeveloped at this time. The assumption made by Public Works, in proposing to assess the west 150' of this lot fronting Southwest 40th and the north 150' fronting West 'O', is that future development and potential subdivision will occur. The development fronting Southwest 40th and West 'O' will need abutting sanitary sewer that will be provided by this district. Due to the size of this lot, it is likely that additional public sewers and outletting to the trunk sewer on this property will be needed to serve future development. Without approved development plans, Public Works cannot predict what portions of the sewer in this district will be utilized by Lot 74 I.T.

Past precedence for districts indicate that assessment can be made against Lot 74 I.T. per the limits of assessment proposed by Public Works. It should be noted that the 150 linear feet of frontage at the southeast corner of South 40th and West 'O' Street is excluded from the assessable frontage accounts for the fact that services likely are not needed to both West 'O' and Southwest 40th.

4. If at the time of assessment by the Board of Equalization, the assessable front footage is reduced from that assumed in the Public Works estimate, the rate per foot for the remaining benefitted property would be raised assuming all the cost of the district are assessed. If the board determines that not all the costs are to be assessed, the nonassessed costs would need to be paid as a subsidy to the district by the Wastewater Division and ultimately by other wastewater customers through the rates they pay.
5. The 150' limits of assessment on both sides of a street are not "hard and fast." Public Works proposed this 150' limit based upon the presumption that the lots that could be created fronting the streets in the district would be 150' or more in depth. Only property fronting the sewer are presumed to benefit from the sewer. If lots and development had already been established prior to the creation of the district, the limits of assessment likely would have been established to match this pattern of development.